THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.4835 OF 2006

Dated: 10-03-2006

Between

Ravula Shyam Sunder

S/o. late Ravula Ramanaiah,

Occ: Business, R/o.H.No.6-6-41,

Near Thousand Pillar Temple,

Hanumakonda, Warangal,

Warangal District.

...PETITIONER

AND

The Commissioner of Municipal Corporation

of Warangal, having office at Municipal

Corporation Officer, Warangal, Warangal

District and another.

...RESPONDENTS

ORDER:

This writ petition is filed seeking Writ of Mandamus to declare that the respondents have no right under law to demolish the petitioner's house bearing M.C.No.6-6-41, (Old No.6/891) near Thousand Pillar Temple, Hanumakonda, Warangal District without obtaining his consent and without adopting due course of law as illegal and arbitrary.

Learned counsel for the petitioner submits that the father of the petitioner purchased the house bearing M.C.No.6-6-41, (Old No.6/891) vide registered sale deed dated 02.01.1960 and after his expiry, petitioner and his family became the absolute owners and possessors of the above-mentioned property. While so, on 07.03.2006 the subordinate of the first respondent visited the petitioner to inform him that a meeting was scheduled to be held on 08.03.2006 to discuss the road widening in front of his house and in the said meeting the first respondent informed the petitioner that they would dismantle his house without prior notice and no compensation would be paid as the Government has no sufficient funds. The learned counsel further submits that the respondents without issuing any notice and without initiating any proceedings and without paying any compensation are highhandedly interfering and middling with the petitioner's property.

The only grievance of the petitioner is that the respondents without issuing any notice, without paying any compensation for his structures or lands and without following due process of law,
are attempting to dispossess him from the said premises for the purpose of road-widening.

The learned counsel for the petitioner further submits that the action of respondents without following the due procedure prescribed under law and without paying any compensation either by way of private negotiations or by way of initiating proceedings under the Land Acquisition Act is utter violation of the principles of natural justice as well as Sections 146 and 147 of the Municipal Corporations Act (for short 'the Act').

This Court disposed of number of writ petitions directing the respondents not to demolish the houses of the private citizens without following due process of law.

Having regard to the facts and circumstances of the case,
this writ petition is disposed of directing the respondents not to demolish the structures or take away any portion of the property of the petitioner and not to dispossess him without following due process of law either under Section 146 or 147 of the Act or by private negotiations or by initiating the proceedings under the Land Acquisition Act, 1894. No costs.

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V. ESWARAIAH, J

March 10, 2006

Note: Furnish C.C. of the order by 13.03.2006

(**B/o**)

DSK